



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

Date: November 7, 2012

To: Planning Commission

From: Teresa Swan, Senior Planner
Paul Stewart, Deputy Director

Subject: Public Hearing for the Howard Private Amendment
Request Study Area, ZON11-00005

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I. RECOMMENDATION

- Hold public hearing to take testimony on a potential changes in land use designation and zoning or zoning regulations for the study area and make a recommendation to the City Council.
- Staff recommends that the Land Use Map and Zoning Map for Lots 1 through 3 on Attachment 1 be changed from BNA/Commercial to Professional Office/Residential at 2400 square feet per unit (PR 2.4). The change to PRA 2.4 would establish a residential density standard that currently does not

exist under the BNA zone and would provide for a more appropriate zoning classification for the properties given the site constraints found in the study area.

- Staff recommends that the Land Use Map for Lot A on Attachment 1 be changed from Commercial to Multifamily at 18 units per acre. The change would make the Land Use Map consistent with the current zoning designation on the Zoning Map for the property.

II. BACKGROUND INFORMATION

Below is background information on the Howard private amendment request (PAR), including the threshold determination, process for considering the Howard PAR study area and public notice provided. In addition, status is provided on the Commercial Code and Plan Amendment project that affects this study area.

A. Howard Private Amendment Request (PAR) and Threshold Determination

On November 22, 2010, Jeff Howard submitted a PAR request to change the Zoning Map and Comprehensive Plan designation for his vacant commercially zoned property from **BNA** (commercial) to **RMA 2.4** (multifamily at 18 units per acre). His property is located on the west side of Juanita Drive NE in the *Holmes Point Business District* (Lot 1 on Attachment 1).

In his original application, Mr. Howard also requested that the land use designation and zoning for his single family property located west of his commercial property be rezoned to multifamily. Mr. Howard subsequently withdrew this request.

Mr. Howard indicated in his application that the purpose of the request is to build a multifamily development in combination with the RMA 2.4 zoned lot that he owns north of his commercially zoned property. Based on the King County Assessor's Office information for lot size, up to 33 units could be built on the two lots if both have a residential density of RMA 2.4.

Mr. Howard states in his application the following reasons for the request:

- Direct vehicular access to his BNA zoned property (Lot 1 on Attachment 2) from Juanita Drive NE is nearly impossible because King County redesigned the intersection several years such that his BNA zoned lot lies in the middle of the two closely located intersections at the *Holmes Point Business District*. The two intersections consist of 18 single intersection light fixtures in two square formations with four streets coming at various angles (see Attachment 2). Thus, access for Mr. Howard's BNA zoned property needs to be provided through Mr. Howard's abutting RMA 2.4 zoned property to the north (Lot A on Attachment 1).

- The BNA zoning regulations require retail or office uses on the ground floor and do not permit residential use, other than a lobby. Mr. Howard believes that a commercial use with indirect access through a multifamily development is not a marketable space and would not be a successful business.

On March 10, 2011, the Planning Commission considered the Howard PAR under the Threshold Determination Process and recommended to the City Council to not study the request. The Commission thought that this request should be addressed as part of the neighborhood plan or at least as part of a subarea neighborhood business district plan if resource constraints preclude undertaking the neighborhood plan in a timely fashion.

On April 19, 2011, the City Council considered the Howard PAR and directed the Planning Commission to study the request in 2012. In addition, the City Council directed that the study include the two other BNA zoned properties on the west side of the *Holmes Point Business District* located south of the Howard BNA zoned site. The two properties are the City-owned Finn Hill Fire Station property (Lot 2 on Attachment 1) and the property south of the Fire Station owned by Holmes Point LLC (Lot 3 on Attachment 1) that contains an office and equipment storage complex.

Staff has identified an issue of inconsistency between the Land Use Map and the Zoning Map for Mr. Howard's RMA zoned lot and has included this lot in the study (Lot A on Attachment 1).

B. Process for Review of Howard PAR Study Area and Public Notice

On September 27, 2012 and then again on October 25, 2012, the Planning Commission held study sessions on the PAR study area. Mr. Howard provided comments during the Comments from the Audience part of the agenda at both meetings. Barry Marky, a neighbor to the west of Mr. Howard's properties, asked questions during Comments from the Audience at the October 25th meeting.

On November 15, 2012, a public hearing will be held and then the Planning Commission will make its recommendation to the City Council. On December 11, 2012, City Council will likely take final action on the PAR study. The City Council could adopt the Planning Commission's recommendation, make a different decision, ask the Planning Commission to further study issues or hold its own hearing.

On October 4, 2012, notice was mailed to property owners within 300 feet of the study area and posted on three public notice signs in the neighborhood. Notice was published in the *Seattle Times* on October 11, 2012.

C. Status of the Related Commercial Code and Plan Amendment Project

Of importance to this study is that on July 19, 2012, the Planning Commission made a recommendation to the City Council on the Commercial Code and Plan Amendment project. The Planning Commission recommended that the regulations for the BNA zone in the *Holmes Point Business District* be as follows:

Establish residential limits comparable to what the County had in place prior to annexation. The Commission considers this a holding pattern until the Comprehensive Plan is amended to establish a vision for these commercial areas.

The recommendation is for 1/2,400 square feet (18 dwellings per acre) for the southern BNA zone on Finn Hill (based on lower density surroundings). Commercial uses must be on the first floor with at least 20' in floor depth along 30' of the face of the building. Residential use cannot exceed 50% of the total gross floor area on the property.

The City Council will likely take final action on the BNA residential density at its meeting of December 11, 2012, which would be at the same meeting as the final action on the Howard PAR study area.

Mr. Howard's request to have his BNA zoned lot (Lot 1 on Attachment 2) in the study area be changed to RMA 2.4 or comparable zoning would be consistent with the density standard that the Planning Commission recommended to the City Council for the BNA zones in the Commercial Code and Plan Amendments project.

III. DESCRIPTION OF HOLMES POINT BUSINESS DISTRICT AND SURROUNDING AREA

On the east side of the business district and south of NE 122nd Place is a commercial strip development called Juanita Park Plaza that contains a Union 76 gas station, a mini mart, and several neighborhood oriented businesses. North of NE 122nd Place is the Shell gas station, mini mart, carwash and fast food restaurant. The buildings are one story in height with parking in front of the stores. The businesses on the east side of the *Holmes Point Business District* have direct access onto Juanita Drive NE or NE 122nd Place via curb cuts and have good commercial visibility (see Attachment 1).

On the west side of the business district is the study area containing Mr. Howard's BNA zoned lot under consideration for a change in zoning, his RMA 2.4 zoned vacant lot, the Finn Hill Fire Station and the Holmes Point LLC office and diving business complex (Lots A, 1, 2 and 3 on Attachment 1).

To the west and northwest is a 31-unit multifamily development zoned RMA 2.4 and a portion zoned RMA 5.0. The development has split zoning with the eastern half zoned at RMA 2.4 and the western half zoned at RMA 5.0. The development

accesses off of Juanita Dr. NE. The 3.2 acre site was constructed in 2003 and its density is approximately 9.7 units per acre (see Attachment 1).

North, east and west of the *Holmes Point Business District* are multifamily and single family neighborhoods. Juanita Woodlands Park is south of the study area (see Attachment 1).

IV. DESCRIPTION OF THE STUDY AREA AND ISSUES TO CONSIDER

Below is a table describing each of the four lots in the study area (see Attachments 1 through 4):

Property in Study Area	Lot Size	Lot Dimension	Use	Site conditions	Access
Lot 1 Howard BNA site 12035 Juanita Drive NE	22,229 square feet (.51 acre)	Approx. 88' wide by 252' deep	Vacant	Wooded with slight slope up to the west and down to the south.	Very difficult and not preferred by the City.
Lot 2 Fire Station 12034 Juanita Drive NE	18,701 square feet (.43 acre)	Approx. 87' wide by 213' deep	Fire station	Mostly paved with minimal landscaping. Slight slope up to the west.	Via 76 th Place NE. Access to Juanita Drive is challenging.
Lot 3 Holmes Pt. LLC 12034-76 th Place NE (also called Holmes Point Drive)	61,536 square feet (1.4 acres)	Approx. 248' by 248'	Office & diving company with some outside storage	Dense trees surrounding two buildings. Prior site of the Northshore Sewer District Administration offices.	Via 76 th Place NE.
Lot A Howard RM 24 site 12203 Juanita Drive NE	56,658 square feet (1.3 acres)	Approx. 178' wide by 298' deep	Vacant. Once contained a single family home.	Trees and open areas.	Via Juanita Drive. Limited access unless intersection is reconfigured.

Staff has identified the following issues to consider in making a recommendation on potential changes to the Zoning and Comprehensive Plan designation or BNA zoning regulations for the study area:

- Configuration of the intersections serving the *Holmes Point Business District* and vehicular access on the study area (see Attachment 6)
- Lack of commercial visibility for at least one of the lots in the study area
- Minimal width and size of two of the lots in the study area

- Property owners' future development plans for their properties

A. Vehicular Access

Concerning access, the *Holmes Point Business District* is served by the three streets of Juanita Drive NE, NE 122nd Place and 76th Place NE/Holmes Point Drive that form a complex two-intersection configuration. Juanita Drive is the main arterial. The three streets come together at angles that result in an offset 4-legged street layout. An undeveloped, wooded triangular property, part of Juanita Woodlands Park, separates Juanita Drive NE and 76 Place NE/Holmes Point Drive. Because of this two-intersection configuration, accessing businesses from the opposite driving lanes is a challenge.

King County reconfigured the intersections several years ago so that Mr. Howard's BNA zoned lot (see Attachment 6) fronts on Juanita Drive NE between the two closely located intersections. Thang Nguyen, the City's Transportation Engineer, said that if Mr. Howard would like direct access to Juanita Drive NE, he would need to install a signal on the east side of Juanita Drive NE opposite his property, re-phase the existing signals and limit access to right turn only. A new signal and re-phasing of the existing signals would be very expensive. The Public Works Department has indicated that an additional curb cut on Juanita Drive NE and another signal would add to an already complicated and confusing set of intersections. Thus, the Department wants right-of-way access for Mr. Howard's BNA zoned lot obtained across his RMA zoned lot to the north.

The Finn Hill Fire Station has limited access because drivers' must quickly yield across 76th Place NE/Holmes Point Drive to make a left or right turn onto Juanita Drive NE. Drivers coming up from the south on Juanita Drive NE must turn left and cross 76th Place NE/Holmes Point Drive to access the site. The property owned by the Holmes Point LLC has direct access off of 76th Place NE/Holmes Pt. Drive so access is not limited (see Attachment 6).

B. Commercial Visibility and Minimal Lot Width and Size

Mr. Howard's BNA zoned property (Lot 1 on Attachment 1) would have good commercial visibility, but direct access to Juniata Drive NE is very difficult due to the configuration of the two intersections in front of the site. The fire station property (Lot 2 on Attachment 1) has limited commercial visibility. The Holmes Point LLC property (Lot 3 on Attachment 1) has no commercial visibility. Both the fire station and Holmes Point LLC have only indirect access to Juanita Drive NE by turning left or right from 76th Place NE/Holmes Point Drive.

Both Mr. Howard's BNA zoned property and the fire station property have narrow frontage at approximately 88' along Juanita Drive NE which reduces the commercial visibility from the arterial. Also, the lots are not particularly large for commercial development at 22,229 square feet and 18,701 square feet respectively.

C. Property Owners' Plans for Future Development of their Properties

As discussed above, Mr. Howard has requested that the zoning and land use designation on his property (Lot 1 on Attachment 1) be changed from BNA to RMA 2.4 or comparable zoning to be able to construct a multifamily development in combination with his multifamily lot to the north (Lot A on Attachment 1) without a requirement for commercial on the ground floor.

On September 10, 2012, staff met with Jim Dobler, one of the two principal owners of the Holmes Point LLC along with Dan Roseta (Lot 3 on Attachment 1). Mr. Dobler is interested in either office or multifamily for any future redevelopment of the site. He does not want the existing office use to become non-conforming and is not interested in retail uses on the ground floor because of the lack of commercial visibility from Juanita Drive NE. He is interested in either the PRA zoning or amendments to the BNA zoning regulations to allow residential in the ground floor (see Attachment 7).

The City Council is currently discussing the City's Fire Master Plan, which includes whether to continue having a fire station in the Holmes Point business district. As part of the City Council's decision on zoning for the Howard PAR study area, the City Council will weigh in on its preferred zoning as owner of the fire station property.

V. OPTIONS FOR LOTS 1 THROUGH 3 AND STAFF RECOMMENDATION

The current BNA zoning regulations require commercial use on the ground floor with only a lobby allowed to access residential uses on the upper floors. The Planning Commission's proposed changes to the BNA zoning under the Commercial Code and Plan Amendment project are the following:

- Limits residential to only 50% of the gross floor area of the site
- Establishes a density standard of 2400 square feet per unit
- Requires commercial use at street level and space must be a minimum of 20 feet in depth with an average depth of at least 30 feet
- Requires minimum ceiling height of 13'
- Requires parking on the ground floor be separated by an intervening use

Mr. Howard does not believe that a commercial use on his property would be successful due to the lack of direct access to the site and the narrowness of the lot frontage along Juanita Drive NE.

Below is a table showing the various options to allow residential on the ground floor in the study area:

Options	Allowed Uses	Change in dimensional standards from BNA regulations to other zones	Comments
<u>Option A</u> RM 2.4 (MDR18)	Multifamily and neighborhood retail limited by type & size. <i>Office not allowed.</i>	Increases front yard to 20', decreases side yard to 5', decreases lot coverage to 60%	<ul style="list-style-type: none"> • The option would make Holmes Point LLC site nonconforming and not able to expand. • This option would eliminate certain potential commercial uses. • City Council may or may not want to reduce redevelopment potential of the fire station site.
<u>Option B</u> PR 2.4 (Office/MF)	Professional office, multifamily and neighborhood retail, including restaurants and small retail spaces.	Increases front yard to 20', decreases side yard to 5', decreases lot coverage to 70%	<ul style="list-style-type: none"> • This option would suit the objectives of both Mr. Howard and Holmes LLC. • City Council may or may not want to reduce redevelopment potential of the fire station site.
<u>Option C</u> BNA, but allow MF on first floor	Provide a special regulation that would allow residential on first floor for study area only.	No change. Current dimensional standards for BNA zoning are minimum 10' for all yards and maximum lot coverage is 80%.	<ul style="list-style-type: none"> • This option would suit the objectives of both Mr. Howard and Holmes Point LLC. • This option would deviate from the standard commercial zone regulation where residential use is not allowed on the first floor.

The key issue is whether it would be appropriate to keep the commercial designation for the study area, but allow solely residential developments to occur or rezone one or more of the properties in the study area to office/multifamily (PRA) or multifamily (RMA). When considering the various options, the Planning Commission

will want to consider what is appropriate for each property in the study area and the area as a whole, and whether the zoning and land use designation in the study area should be the same or a mix of zones. Based on previous discussions with the Planning Commission, the initial direction expressed by the Commission is Option B. This option would actually result in a density limit of 18 units per acre. There is no density standard under the current BNA zoning.

A. Options A and B

Option A would meet the objective of Mr. Howard's development plans, but would make the Holmes Point PLLC current development non-conforming. Option B would meet both of their development objectives and not make the Holmes Point PLLC site non-conforming. Both options would continue to allow some commercial uses with more intensive commercial uses permitted in the office/multifamily zone. But commercial is not required in either zones.

There is currently no Finn Hill neighborhood plan or subarea plan for the business district. Any change to the zoning or land use designation for the study area would be only to the Zoning and Land Use Maps. Text could be added to the Land Use Element Chapter of the Comprehensive Plan about the study area, but staff does not see a need for the text. The City should wait until the Finn Hill neighborhood plan or a business district subarea plan is prepared to include a discussion about the study area in the Comprehensive Plan. Attachment 5 shows the options on a map.

B. Option C

Option C would retain the BNA zoning, but would allow residential without a requirement for commercial space for only the area west of Juanita Drive NE (see Attachment 8). The option would suit the objectives of both Mr. Howard and Holmes Point LLC. It would also retain the highest level of development potential for the fire station property should the City decide to relocate the fire station and sell the property. However, the option would result in the BNA zone being different compared to other commercial areas by allowing solely residential in part of the zone.

The goal of the commercial designations in the Comprehensive Plan is to have at least some retail and/or office use on commercially zoned properties. As part of the 2012 Commercial Code Amendment project, the Planning recommended to the City Council that residential use be limited to 50% of the total gross floor area on a property to reflect the prior King County standards and to ensure that commercial uses make up more than just the ground floor of a structure.

The question is how to address the desire to retain land zoned to serve the neighborhood with convenient commercial uses versus the constraints of the lots in the study area as suitable commercial properties.

Attached are potential draft amendments to the BNA zone that would allow residential development without a commercial component (see Attachment 8). One special regulation and a change to one of the general regulation are all that would be needed to allow solely residential uses on the properties. This also means that the pending Commercial Code Amendments would not apply to the west side of the BNA zone.

Another consideration is the difference in the commercial uses allowed in the BNA versus the PRA zone. The following uses are not allowed in the PRA zones:

- Retail uses up to 10,000 square feet (in PRAs zone are, retail is limited to a maximum 3,000 square feet)
- Motor vehicle and boat sales
- Drive through facilities
- Storage businesses
- Cultural and recreational uses
- Vehicle service stations

Commercial uses in the PRA zone are neighborhood oriented and in particular, retail businesses must be smaller in size than in the BNA zones. Are the uses in the list above appropriate uses for the study area or not, and if not, would this be another reason to rezone the properties from BNA to PR/RMA?

C. Staff Recommendation

Staff recommends **Option B** to change the Land Use Map and the Zoning Map for the three BNA zoned lots on the west side of Juanita Drive NE (Lots 1 through 3 in Attachment 1) from BNA/Commercial to **PR 2.4/Professional Office/Multifamily at 18 units per acre**. This designation would allow for a variety of commercial uses, including office, while providing flexibility in the choice of having solely residential use on the properties. Due to the site constraints in the study area, the properties are not ideal for retail use so allowing residential on the ground floor is appropriate.

Staff does not recommend Option C to change the BNA zoning regulations to allow solely residential use on the west side Juanita Drive NE. This change would be contrary to the Comprehensive Plan's intent of having at least some commercial uses on commercially designated properties and contrary to the Planning Commission's recommendation to the City Council on the Commercial Code and Plan Amendment project. The properties in the study area are not ideal for retail uses and thus the zoning on the properties should be changed. Staff also does not recommend Option A to a RM2.4 zoning since it would make the existing Holmes Point LLC office complex nonconforming and would not meet the future development objectives of the owners.

VI. CHANGE TO LAND USE MAP FOR LOT A AND STAFF RECOMMENDATION

Prior to 1996, the City's Zoning Map and Land Use Map did not have the same designations for many properties in the City. Property owners would apply for quasi-judicial rezones to be permitted to develop the uses allowed under the Land Use Map, but not allowed under by the Zoning Map, such as a change from multifamily to commercial. As a result of the Growth Management Act, in 1996 the City did extensive citywide rezones and land use map changes to have the Zoning Map and Land Use Map designations consistent for all properties.

King County's Zoning Map and Land Use Map are not always consistent. Prior to the Finn Hill/Kingsgate/Juanita annexation, King County's Land Use Map designated Mr. Howard's RMA 2.4 zoned property (Property A on Attachment 3) directly north of Mr. Howard's BNA zoned property as commercial use, but the Zoning Map designated the property as residential. Upon review of the proposed changes, the City kept the discrepancy in place for Mr. Howard's property with adoption of the annexation Zoning and Land Use Plan maps (see Attachments 3 and 4).

The reason for this continued inconsistency is that the City wanted to retain as much potential commercial designated property as possible. The City considered changing the zoning on Mr. Howard's property from multifamily to commercial during review of the annexation zoning, but neighbors near the property objected. The inconsistency was left to be dealt with during a later neighborhood plan.

Mr. Howard has indicated in his PAR application that he would like to build a multifamily development by rezoning his BNA zoned lot and combining the two lots into one project. Changing the designation on the Land Use Map to multifamily at 18 units per acre to be consistent with the Zoning Map would meet Mr. Howard's objectives while meeting the GMA requirement of consistency between the Zoning Map and Land Use Map.

Staff Recommendation

Staff recommends changing the Land Use Map designation for Mr. Howard's RMA 2.4 zoned property at 12203 Juanita Drive NE, Parcel No. 6076500060 (Lot A on Attachment 4) from **Commercial to Multifamily Residential at 18 unit per acre** to make it consistent with the Zoning Map at RMA 2.4. This would meet the GMA requirement of having the Zoning Map and Land Use Map consistent, meet Mr. Howard's plan objective of a multifamily development and reflect the concerns of the condo owners to the north of a potential quasi-judicial rezone to commercial.

VII. PUBLIC COMMENTS AND STAFF RESPONSE

Eight comments were received on the Howard PAR study (see Attachments 9-16). Below is a summary of the comments:

1. Tom Chwokjo-Frank's comments: Concerned about traffic, particularly during rush hour, and asks if there are any plans to improve traffic flow in the Finn Hill area (see Attachment 9).
2. Ken Goodwin's comments: Neighborhood plan should be done first (see Attachment 10).
3. Scott Morris email is addressed to the Finn Hill Neighborhood Association. He raises questions, but states that the neighborhood association has not taken a position on the PAR request (see Attachment 11).
4. Julie and Karl Voss' comments: Should not override the original recommendation of the Planning Commission (see Attachment 12).
5. Steve and Melanie Wise comments: Neighborhood plan should be done first with public hearings (see Attachment 13).
6. Jason Ahlf's comments: Would like to see properties developed. Does not think that traffic would be an issue (see Attachment 14).
7. Ted McCagg's comments: Premature to rezone properties for housing until a decision is made on what will happen to the fire station. Rezone should consider limiting number of units to be consistent with the surrounding Finn Hill area (see Attachment 15).
8. Keith Dunbar's comments: Increased density will exacerbate traffic problems and lead to a 4-lane Juanita Drive. Preserve the ability to remodel or expand fire station. Howard properties should match the density of the multifamily development to the north (see Attachment 16).

Staff Response:

The City Council directed the Planning Commission to study the Howard PAR because there is no near future schedule to prepare a Finn Hill Neighborhood Plan. The City Council thought that Mr. Howard raised some valid issues in his application.

Rezoning the properties or adding a special regulation to the BNA use zone chart on residential housing would not impact the fire station. A fire station is classified as a government facility use and is permitted in all zones. Any of the options would not require residential use on the fire station property.

The SEPA environmental review (see Section VIII below) for the Howard PAR study determined that daily trips would be less if the properties were rezoned from commercial to office/multifamily or multifamily only. Retail has a higher average daily trip rate. Office use under either the BNA or PR zones has higher AM and PM peak trip rates than retail because office employees come and leave work during peak commute periods while retail has lower peak time traffic. Residential use has

lower average daily trips and lower AM and PM peak trip rates than commercial or office. These traffic generation rates are based on the Institute of Transportation Engineers (ITE) Manual, the widely accepted standards for traffic studies.

Thus, any of the options being considered for the study area would not increase future traffic beyond what could occur under the existing zoning and zoning regulations.

VIII. SEPA DETERMINATION

On October 4, 2012, a Determination of Non-Significance was issued for the Howard PAR Study (see Attachment 17). The appeal deadline was October 19, 2012. No appeals were received.

The completed SEPA Checklist indicates that development scenarios for residential and office zones would have less of an impact than for a commercial zone for some of the environmental elements. This is because the maximum allowable lot coverage standard (total paved area) is less for the PRA and RMA zones than in a BNA zone which means generally a reduced building footprint and total square footage of building area. Impacts to most other elements would be comparable. Daily trip generation is less for office and residential uses. Office uses under either the commercial or office/multifamily zones would have higher AM and PM peak rates than retail or residential uses. Residential use has lower average daily trips and lower AM and PM peak trip rates than commercial or office. The traffic study prepared for the SEPA determination is based on the Institute of Transportation Engineers (ITE) Manual.

For more information, the staff memo to the SEPA Official, the completed environmental checklist, an estimated final build out comparison for each zone and a trip generation spreadsheet are available in City File ZON11-00005 in the Planning Department.

IX. APPLICABLE COMPREHENSIVE PLAN POLICIES AND RELATED TEXT

The Planning Commission should review the policies below as part of their decision on a recommendation to the City Council:

A. Land Use Element Chapter

- ***Policy LU-1.1: Tailor development regulations to fit unique circumstances.***

Staff comment: The study area has unique access and commercial visibility issues due to the side by side 2-intersection layout with four streets merging from different angles at the Lower Finn Hill commercial area.

- ***Policy LU-1.2:*** *Create logical boundaries between land use districts that take into account such considerations as existing land uses, access, property lines, topographic conditions and natural features.*

Staff comment: The logical boundary of the BNA zone may need to be changed because of the access and commercial visibility issues for the study area.

- ***Policy LU-2.3:*** *Ensure an adequate supply of housing units and commercial floor space to meet the required growth targets through efficient use of land.*

Staff comment: The City needs to balance the supply of housing units and commercial space in meeting the City's growth targets. Given the issues of access and commercial visibility, flexibility in allowed uses may provide more efficient use of the land in the study area, such as the Professional Office (PR) zone or revisions to the BNA regulations.

- ***Policy LU-3.2:*** *Encourage residential development within commercial areas.*

Discussion under the policy: Residential development within commercial areas should be compatible with and complementary to business activity. Residential use should not displace existing or potential commercial use.

Staff comment: If the BNA zone designation is replaced with a RMA zone designation for the study area, the existing office use on the Holmes Point LLC site could be displaced or not allowed to expand with redevelopment of the site. Both the PR zone and BNA zone amended with a special regulation for the study area to allow residential on the ground floor would still allow for future commercial uses.

- ***Policy LU-4.4:*** *Consider neighborhood character and integrity when determining the extent and type of land use changes.*

Staff comment: The current neighborhood character of the *Holmes Point Business District* is one of a small scale commercial center serving the everyday needs of the neighborhood surrounded by low, medium and high density residential uses. Considering integrity of the land use designation, the expectation that the study area would support intense, successful retail uses is not likely to be met due to the issues of access and commercial visibility. Office and multifamily uses are likely to be more successful.

- ***Section under Commercial Land Uses, page VI-13:*** *Commercial land uses are a critical part of the Kirkland community. They provide shopping and service opportunities for Kirkland residents, and also create employment within the City. The tax revenue generated by businesses help fund the capital facilities and public services that residents enjoy (1st paragraph under section).*

Along with the need to provide new housing units for future residents, the City will need to designate adequate land area for commercial uses, some of which may employ Kirkland residents (1st sentence in 3rd paragraph under section).

Staff comment: The City generally wants to maintain existing areas zoned for commercial use and even expand when appropriate. However, if certain properties do not have adequate access and/or visibility to accommodate commercial uses, it may not be the best use of the land to restrict those properties to commercial zoning. Both a PR zone designation and a change to the BNA development standards would still allow some commercial uses, but would give the property owners flexibility in having residential development.

B. Economic Development Element Chapter

- ***Policy ED-1.4: Strengthen Kirkland's tax base.***

Discussion under policy: Business plays an important role in the City's tax base...Sales revenue is the largest contributor to the City's revenue. Retail businesses are the largest generator of sale tax followed by contracting, wholesale, and service businesses.

Staff comment: As described above in the memo, the study area is not ideal for retail uses due to poor access and lack of commercial visibility. Office and multifamily uses are appropriate for both the Holmes Point LLC and fire station sites.

- ***Policy ED-5.1: Build and maintain infrastructure systems for utilities, transportation and telecommunications to optimize service delivery to the business community.***

Staff comment: As stated above, the configuration of the intersection at the Lower Finn Hill commercial area prevents access to Mr. Howard BNA zoned property and limits access to the fire station property. Access to the Holmes Point LLC site is not directly off of Juanita Drive NE so the property has no commercial visibility.

- ***Policy ED-2.4: Consider the economic effects on businesses and the economic benefit to the community when making land use decisions.***

Staff comment: As Mr. Howard has stated in his application, he does not believe that a commercial use on his property would be successful because direct access to Juanita Drive NE is not feasible and the property has limited frontage on the street. If redeveloped, the fire station property would likely have restricted left turns out of the site due to the configuration of the

intersection. The Holmes Point LLC property owners believe that successful retail uses are unlikely on their property due to lack of visibility from the commercial intersection.

X. CRITERIA FOR APPROVING CHANGES TO THE ZONING MAP, LAND USE MAP AND ZONING CODE TEXT

As the Planning Commission makes its recommendation to the City Council, the following criteria need to be considered in evaluating the proposed changes:

A. Section 130.15 Legislative Rezones – Criteria

The City may decide to approve a legislative rezone only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

B. Section 135.25 Criteria for Amending the Text of the Zoning Code

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland.

C. Section 140.25 Factors to Consider in Approval an Amendment to the Comprehensive Plan

The City shall take into consideration, but not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.

4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

D. Section 140.30 Criteria for Amending the Comprehensive Plan

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

Staff's Conclusions

Changing the Land Use Map and Zoning Map for the study area meets the criteria in Section 130.15 concerning legislative rezones. The change implements Policies LU-1.1, LU-1.2 and LU-4.4 to reflect access, topographic conditions, unique circumstances and character of the neighborhood. A change in the zoning to PR 2.4 implements Policies LU-2.3 and LU-3.2 in that the new zoning classification would allow for housing units and commercial floor space to meet the City's growth targets. Allowing appropriate uses to locate on these constrained sites would be in the best interest of the community and bears a substantial relationship to the public safety and welfare.

Changing the Land Use Map and Zoning Map for the study area meets the criteria in Section 140.30 concerning amendments to the Comprehensive Plan. The amendments would be consistent with the GMA and the countywide planning policies, is not inconsistent with the Comprehensive Plan and would result in long-term benefits to the community and is in the best interest of the community.

XI. ATTACHMENTS

1. Aerial of Howard PAR study area
2. BNA Pictures of study area
3. Zoning Map of *Holmes Point Business District*, including study area
4. Comprehensive Plan's Land Use Map of *Holmes Point Business District*, including the study area
5. Potential changes to the Land Use Map and Zoning Map
6. Diagram of *Holmes Point Business District* intersections
7. Jim Dobler, Holmes Point LLC, email, dated 9/14/12
8. Potential changes to the BNA Use Zone Chart
9. Comment letter from Tom Chwokjo-Frank, dated 10/24/12

Memo to PC: Howard PAR study area


November 7, 2012

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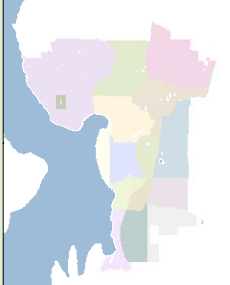
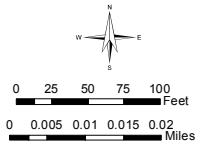
10. Comment letter from Ken Goodwin, dated 10/24/12
11. Email from Scott Morris in which he addresses the Finn Hill Neighborhood Association, dated 10/24/12
12. Comment letter from Julie and Karl Voss, dated 10/24/12
13. Comment letter from Steve and Melanie Wise, dated 10/24/12
14. Comment letter from Jason Ahlf, dated 10/25/12
15. Comment letter from Ted McCagg, dated 10/24/12
16. Comment letter from Keith Dunbar, dated 10/30/12
17. SEPA Determination of Non-Significance, dated 10/04/12

cc: File ZON11-00005


HOWARD PRIVATE AMENDMENT REQUEST STUDY AREA, ZON11-00005



 Tax Parcel Boundaries
 Commercial
 Industrial
 Light Manufacturing
 Park
 Office
 High Density Residential
 Medium Density Residential
 Low Density Residential
 Institutions
 Park/Open Space

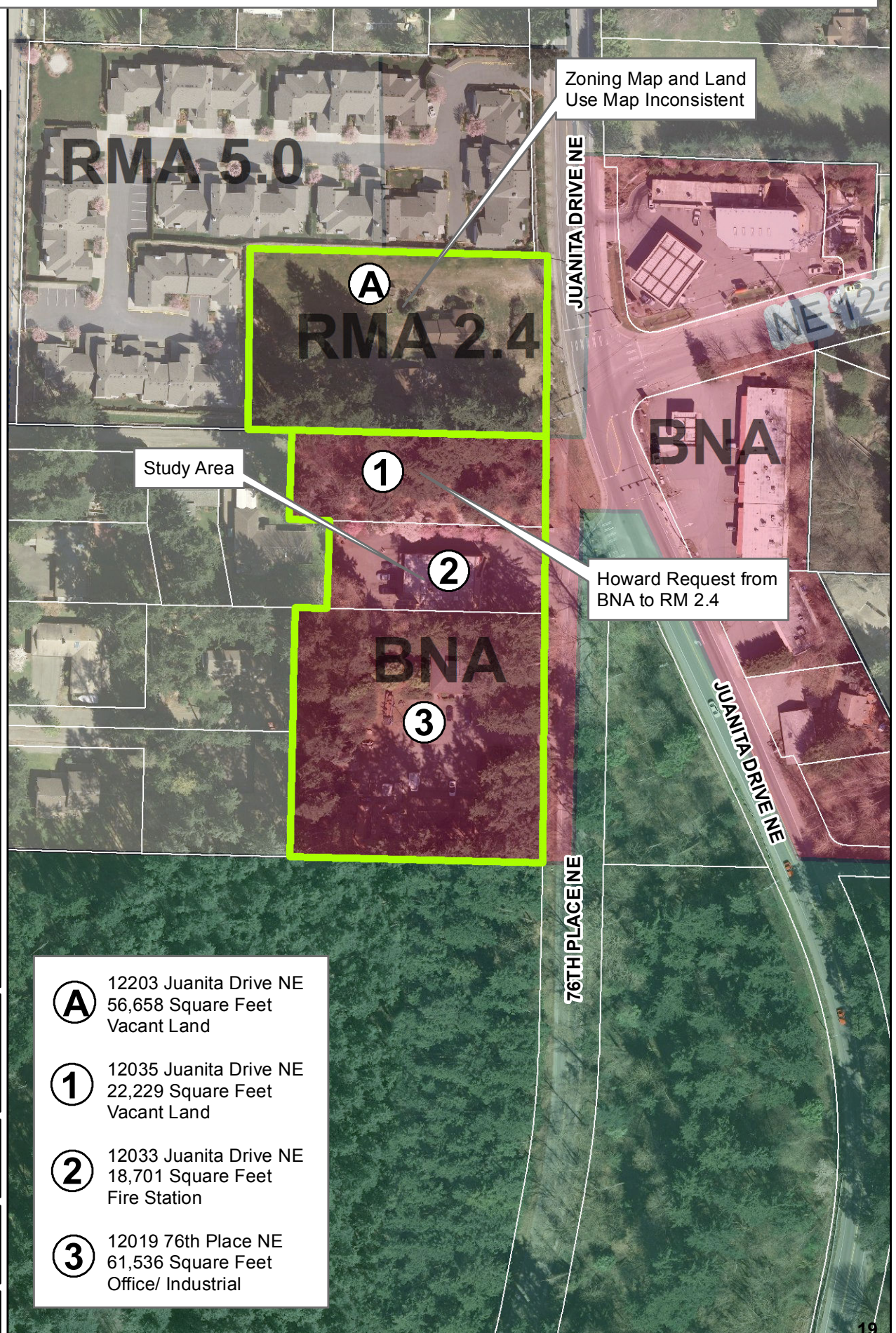



0 25 50 75 100 Feet
 0 0.005 0.01 0.015 0.02 Miles



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Name: Howard_Aerial
 Date Saved: 9/17/2012





Top photo: In front of Howard's RMA site (Lot A) looking south on Juanita Drive NE.
Bottom photo: Looking west across Howard's BNA site (Lot 1).



Top photo: Taken from walkway in front of Howard BNA site (Lot 1) looking south at intersection of 76th PL NE/Juanita Drive NE.

Bottom photo: Looking east to Howard BNA site (Lot 1) from easement road off of 76th Ave NE.



Top photo: Fire station site (Lot 2) looking west from 76th PL NE.
Bottom photo: 2 office blds at Holmes PT LLC (Lot 3) looking west from 76th PL NE.



Photo of diving business at Holmes PT LLC site (Lot 3) looking west from 76th PL NE.